

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA) MATTICE/CARTER
v.)
CLIFFORD SIMPSON) CASE NO. 1:13-CR-89

ORDER

On July 7, 2015, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation recommending (a) the Court accept Defendant's plea of guilty to Count One of the Second Superseding Indictment to the extent that it charges the manufacture and distribution of five kilograms or more of a mixture and substance containing a detectable amount of cocaine, excluding the allegations of cocaine base (crack), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Second Superseding Indictment to the extent that it charges the manufacture and distribution of five kilograms or more of a mixture and substance containing a detectable amount of cocaine, excluding the allegations of cocaine base (crack); (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall remain in custody pending sentencing in this matter (Doc. 799). Neither party filed an objection within the given fourteen days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's plea of guilty to Count One of the Second Superseding Indictment to the

extent that it charges the manufacture and distribution of five kilograms or more of a mixture and substance containing a detectable amount of cocaine, excluding the allegations of cocaine base (crack), in exchange for the undertakings made by the government in the written plea agreement, is

ACCEPTED;

(2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the Second Superseding Indictment to the extent that it charges the manufacture and distribution of five kilograms or more of a mixture and substance containing a detectable amount of cocaine, excluding the allegations of cocaine base (crack),;

(3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN IN CUSTODY** pending sentencing on **Monday, November 23, 2015 at 9:00 am.**

SO ORDERED.

ENTER:

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE